

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

JAMES MATHIEU,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-21-00287-JWD
)	
COLTON ROBERTSON,)	
)	
Defendant.)	

ORDER ADOPTING FINDINGS AND RECOMMENDATION

On September 17, 2021, Plaintiff, pro se, filed a motion to proceed in forma pauperis in this 42 U.S.C. § 1983 case. [Doc. No. 4]. But that motion lacked sufficient information for the Court to fully evaluate whether to grant Plaintiff in forma pauperis status. On October 13, 2021, United States Magistrate Judge Kimberly E. West entered a minute order directing Plaintiff to complete and file the in forma pauperis form and affidavit, located on the Eastern District of Oklahoma court website, in order to provide complete information to evaluate Plaintiff's financial condition. [Doc. No. 9]. Judge West provided Plaintiff with a link to the form and mailed a copy of the minute order to Plaintiff via certified mail. [*Id.*]. The Court's records reflect that the green card was returned on that mailing, establishing that Plaintiff received Judge West's minute order. [Doc. No. 10].

Plaintiff failed to file the in forma pauperis form and affidavit by November 3, 2021, the deadline that Judge West ordered. [Doc. No. 9]. On December 14, 2021, Judge West issued a Findings and Recommendation [Doc. No. 11], recommending that Plaintiff

submit the required filing fee by a date certain and if the fee is not submitted that this action be dismissed without prejudice for failure to comply with 28 U.S.C. § 1914(a) and LCvR3.2. [*Id.*].

Plaintiff has not filed any objection to the Report and Recommendation, nor has he paid the required filing fee. He has not responded to the prior order to submit the required form and affidavit. Upon de novo review, the Court **ADOPTS** the Findings and Recommendation [Doc. No. 11] in its entirety for the reasons stated therein.

Plaintiff shall pay the filing fee in full by **February 28, 2022**, and his failure to do so will result in a dismissal of this case without prejudice. *See, e.g., Hume v. Colorado*, 815 F. App'x 312, 313 (10th Cir. 2020) (affirming dismissal for failure to use court-approved in forma pauperis form); *Barnes v. United States Dist. Ct.*, 815 F. App'x 295, 297 (10th Cir. 2020) (unpublished) (same where court provided ample opportunity to submit the form or pay the fee).

IT IS SO ORDERED this 7th day of February 2022.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE